

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION**

**BARRY FRANKLIN BRAY**

**PLAINTIFF**

v.

**CIVIL ACTION NO. 5:15-cv-91-DCB-MTP**

**MANAGEMENT & TRAINING CORPORATION and  
CORRECTIONS CORPORATION OF AMERICA**

**DEFENDANTS**

**REPORT AND RECOMMENDATION**

THIS MATTER is before the Court on the Motion for Summary Judgment [23] filed by Defendant Management & Training Corporation (“MTC”). Having considered the parties’ submissions, the undersigned recommends that the Motion [23] be granted and that Defendant MTC be dismissed.

This action arises from an allegedly improper charge to Plaintiff’s inmate account in September of 2006 relating to medical treatment. In its Motion [23], MTC argues that it was not in control of the operations at Wilkinson County Correctional Facility (“WCCF”) at that time and had no involvement whatsoever in the charge to Plaintiff’s inmate account in 2006.<sup>1</sup> In his Response [32], Plaintiff concedes that MTC had no involvement in the charge to his inmate account and states as follows:

I, Barry Franklin Bray, would like to drop this portion of my suit against Management Training Corporation because this entity, in fact, was not the governing body of Wilkinson County Correctional Facility at the time of incident, in 2006, in which time this incident occurred.

Response [32].

As Plaintiff does not oppose the Motion for Summary Judgment and no longer wishes to

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<sup>1</sup> MTC asserts that it did not take control of operations at WCCF until July 1, 2013.

pursue his claims against Defendant MTC, the undersigned recommends that the Motion for Summary Judgment [23] be granted and Defendant MTC be dismissed with prejudice. The case should continue as to the remaining Defendant, Corrections Corporation of America.<sup>2</sup>

**NOTICE OF RIGHT TO OBJECT**

In accordance with the rules and 28 U.S.C. § 636(b)(1), any party within fourteen days after being served a copy of this recommendation, may serve and file written objections to the recommendations, with a copy to the judge, the magistrate judge and the opposing party. The District Judge at the time may accept, reject or modify in whole or part, the recommendations of the Magistrate Judge, or may receive further evidence or recommit the matter to this Court with instructions. The parties are hereby notified that failure to file written objections to the proposed findings, conclusions, and recommendations contained within this report and recommendation within fourteen days after being served with a copy shall bar that party, except upon grounds of plain error, from attacking on appeal the proposed factual findings and legal conclusions accepted by the district court to which the party has not objected. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996).

THIS, the 5th day of October, 2016.

s/ Michael T. Parker  
United States Magistrate Judge

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<sup>2</sup> Corrections Corporation of America has moved to dismiss Plaintiff's claim against it. *See Motion to Dismiss* [28]. Briefing on that Motion [28] is not yet complete.